

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

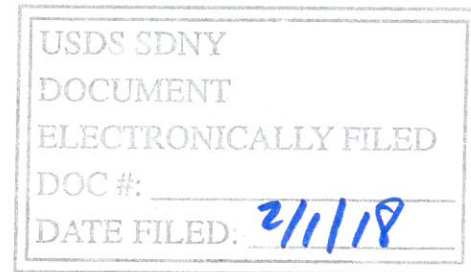
ANTHONY STALLWORTH, *individually
and on behalf of all others similarly situated,
et al.*,

Plaintiffs,

-v-

MEERA JOSHI *et al.*,

Defendants.



No. 17-cv-7119 (RJS)
ORDER

RICHARD J. SULLIVAN, District Judge:

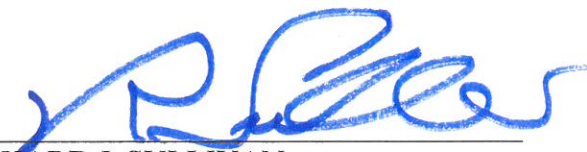
On September 20, 2017, Plaintiffs filed this action and sought a temporary restraining order and a preliminary injunction. (Doc. Nos. 1, 5.) The next day, the Court denied Plaintiffs' request for a temporary restraining order and set a briefing schedule for their request for a preliminary injunction, which was fully briefed on October 6, 2017. (Doc. No. 15.) On October 24, 2017, Defendants moved to dismiss the complaint for the same reasons that they opposed the preliminary injunction. (Doc. No. 21.) The Court denied Plaintiffs' request for a preliminary injunction on November 22, 2017. (Doc. No. 31.)

The Court is now in receipt of a letter from Plaintiffs, dated January 31, 2018, in which Plaintiffs state they are "withdrawing their opposition to the [City's] motion to dismiss." (Doc. No. 36.) Specifically, Plaintiffs suggest that the Court's prior decisions foreclose their claims. (*Id.* (citing *Friedrichs v. Cal. Teachers Ass'n*, No. SACV 13-676-JLS, 2013 WL 9825479, at *2 n.3 (C.D. Cal., Dec. 5, 2013)).) The Court agrees. Accordingly, for the reasons stated in the Court's November 22, 2017 Order (Doc. No. 31) and the Court's opinion in *Nnebe v. Daus*, 184 F. Supp. 3d 54 (S.D.N.Y. 2016), IT IS HEREBY ORDERED THAT Defendants' motion to dismiss is

granted. The Clerk of Court is respectfully directed to terminate the motions pending at docket numbers 21 and 26 and to close this case.

SO ORDERED.

Dated: February 1, 2018
New York, New York



RICHARD J. SULLIVAN
UNITED STATES DISTRICT JUDGE